

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

VICTOR LLOYD MITCHELL,
Plaintiff

v.

JEANNINE TURGEON and
JOEL RICHARD HOGENTOGLER,
Defendants

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Civil Action No. 1:12:-cv-00028

(Chief Judge Kane)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Presently pending before the Court is Magistrate Judge Blewitt's Report and Recommendation (Doc. No. 8), recommending that Plaintiff's Fourth Amendment and Fourteenth Amendment claims against Defendants Turgeon and Hogentogler be dismissed with prejudice on the basis of absolute immunity or, in the alternative, that these claims be dismissed without prejudice. Judge Blewitt also recommended that Plaintiff's requests for an injunction and declaratory relief be dismissed with prejudice, that his motion for a preferential trial setting (Doc. No. 4) be denied as moot, and that his motion for leave to proceed in forma pauperis (Doc. No. 2) be granted solely for the purpose of filing this action. No timely objections have been filed.

ACCORDINGLY, on this 21st day of February 2012, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT** Magistrate Judge Blewitt's Report and Recommendation (Doc. No. 7) is adopted as follows:

1. Plaintiff's Fourth Amendment and Fourteenth Amendment claims against Defendants Turgeon and Hogentogler are **DISMISSED WITH PREJUDICE**;
2. Plaintiff's requests for an injunction and declaratory relief are **DISMISSED WITH**

PREJUDICE;

3. Plaintiff's motion for a preferential trial setting (Doc. No. 4) is **DENIED AS MOOT**;
4. Plaintiff's motion for leave to proceed in forma pauperis (Doc. No. 2) is **GRANTED** solely for the purpose of filing this action; and
5. The Clerk of Court is directed to close the case.

S/ Yvette Kane
Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania